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**FISCAL IMPACT STATEMENT**

**LS 6812**

**BILL NUMBER:** HB 1860

**NOTE PREPARED:** Jan 5, 2003

**BILL AMENDED:**

**SUBJECT:** Firearms.

**FIRST AUTHOR:** Rep. Porter

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:**  GENERAL  
 DEDICATED  
 FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill establishes the Firearms Interdiction Fund to provide grants to local law enforcement agencies to assist in enforcing laws concerning illegal possession, illegal use, and illegal distribution of firearms. It requires law enforcement agencies to forward certain information concerning firearms obtained by the agencies to the federal Bureau of Alcohol, Tobacco, and Firearms to assist the Bureau in tracing or otherwise analyzing the firearm.

The bill also requires the Superintendent of the State Police Department to establish a six-member Firearms Trafficking Interdiction Task Force. This bill requires the Task Force to study issues related to illegal firearms trafficking and to submit an annual report to the Governor and the Legislative Council. It also gives the Superintendent of the State Police Department access to a person's mental health record to determine whether a handgun license or a retail handgun dealer's license should be issued to the person or whether the person's license should be suspended or revoked.

**Effective Date:** July 1, 2003.

**Explanation of State Expenditures:** *Firearms Interdiction Fund* - This bill establishes the Firearms Interdiction Fund to provide grants to local law enforcement agencies to assist in enforcing laws concerning illegal possession, illegal use, and illegal distribution of firearms. The Fund may consist of (1) appropriations from the General Assembly; (2) grants, gifts, and donations from public and private entities; and (3) interest which accrues to the Fund. Expenses of the Fund are paid from the Fund, and money in the Fund at the end of the state fiscal year does not revert to the state General Fund. The Fund is to be administered by the Criminal Justice Institute.

*Firearms Information* - This bill would require a law enforcement agency that obtains a firearm for any reason to forward the make, model, and serial number of the firearm, and location where the firearm was obtained to the federal Bureau of Alcohol, Tobacco, and Firearms (ATF). The purpose of forwarding this information is to assist the ATF in tracing or otherwise analyzing the firearm.

The bill also provides that a law enforcement agency must forward to the State Police Department information received from the ATF if that information may be used to trace or otherwise analyze a firearm. The Department would also be required to keep such information for a period of 10 years and make it available to other persons for law enforcement and research purposes.

The Superintendent of the State Police Department would be required to adopt rules to carry out this provision.

Currently, the Department does not forward any information to the ATF. The Department may incur additional administrative costs in implementing this provision.

*State Police Firearms Trafficking Interdiction Task Force:* The Superintendent of the State Police Department is to establish a six-member Firearms Trafficking Interdiction Task Force. Members of the Task Force consist of: (1) the Superintendent of the State Police Department or a designee of the Superintendent; (2) the Attorney General or a designee of the Attorney General; (3) four members appointed by the Superintendent for two-year terms as follows: (A) a county sheriff; (B) a local chief of police; (C) a prosecuting attorney; and (D) a person involved in a neighborhood crime watch association. The duties of the Task Force include: (1) studying the issues related to illegal firearms trafficking in Indiana; (2) developing illegal firearms trafficking programs; and (3) submitting an annual report to the Governor and the Legislative Council.

Members of the Task Force who are not state employees may receive per diem and travel reimbursement, and members who are state employees may also be reimbursed for travel expenses. Currently, per diem is set at \$50 per member, and mileage is reimbursed at \$0.28 per mile.

*Mental Health Records:* This bill adds the Superintendent of the State Police to the list of those to whom mental health records may be disclosed to determine if a handgun license or a retail handgun dealer's license should be issued, suspended, or revoked.

### **Explanation of State Revenues:**

**Explanation of Local Expenditures:** *Firearms Information* - This provision should have minimal impact on law enforcement agencies. See *Explanation of State Expenditures* for details.

**Explanation of Local Revenues:** *Grant Application:* A county executive may receive a grant from the Firearms Interdiction Fund by submitting an application to the Criminal Justice Institute. The application must show how the money is to be used by local law enforcement agencies of the county in which the county executive has jurisdiction to enforce the laws concerning illegal possession, illegal use, and illegal distribution of firearms. The Criminal Justice Institute approves or denies a grant application. The Institute also shall determine the amount of each grant.

**State Agencies Affected:** Criminal Justice Institute; State Police Department.

**Local Agencies Affected:** Local law enforcement agencies.

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